IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Gilad Odinak
Title:	A METHOD AND DEVICE TO DISTINGUISH BETWEEN VOICE CONVERSATION AND AUTOMATED SPEECH RECOGNITION
Serial Number:	09/884,902
Filing Date:	June 18, 2001
Examiner/Unit:	Matthew J. Sked/2655
Attorney Docket No.:	INTL-1-1015 (WING-1-1015)

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 22 day of May 2006.

Signature

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES PURSUANT TO 37 C.F.R. § 1.131 TO OVERCOME A CITED U.S. PATENT APPLICATION PUBLICATION

TO THE COMMISSIONER FOR PATENTS:

This Declaration establishes completion of the invention in the United States on a date before January 31, 2001, which is the filing date of U.S. Pat. Pub. No. 2002/0103639 to Chang.

I, Gilad Odinak, hereby declare the following:

1. I am the inventor of the invention described and claimed in U.S. Patent Application Serial No. 09/884,902, which was filed on June 18, 2001, and which claims priority from U.S. Provisional App. No. 60/280,377, which was filed on March 29, 2001, and U.S. Provisional App. No. 60/278,454, which was filed on April 2, 2001. In the United States, before January 31, 2001, I had conceived of and reduced to practice an apparatus in which a method having the features of claim 7, both as originally filed and amended, is implemented. This method included sending a signal from a source to a destination according to an address associated with a to be generated phonation, and, if the destination is a speech recognition server, sending a change signal from the destination to the source, generating a phonation for reception by a speech recognition server, and sending the newly processed phonation, otherwise generating a phonation at the source for reception by a human recipient. Likewise, in the United States, before January 31, 2001, I had conceived of and reduced to practice an apparatus having the features of claim 15, both as originally filed and amended. This apparatus included means for processing a phonation at a source for reception by a human recipient, means for sending the processed phonation to a destination according to an address associated with the phonation, and, if the destination is a speech recognition server, means for sending a change signal from the destination to the source, means for processing a next phonation for

reception by a speech recognition server, and means for sending the newly processed phonation.

2. "Reduced to practice" as used herein means: a) executed the method to insure its production of desired results, and b) tested apparatus used to implement the method to insure its operation in a desired manner.

3. Exhibits A, B, C and D (enclosed) depict portions of an invention disclosure that I submitted to appropriate legal counsel before January 31, 2001. Exhibits A, B, C and D include views of an embodiment of the invention that correspond to the embodiment shown in FIGS. 1-2 and 4-5 of the patent application. Exhibits A, B, C and D include views similar to those of FIGS. 1-2 and 4-5, and, like FIGS. 1-2 and 4-5, show a method and implementing apparatus in which a signal is sent from a source to a destination according to an address associated with a to be generated phonation, and, if the destination is a speech recognition server, a change signal is sent from the destination to the source, a phonation is generated for reception by a speech recognition server, and the newly processed phonation is sent, otherwise a phonation is generated at the source for reception by a human recipient.

4. Exhibits A, B and C, which are similar to FIGS. 2, 4 and 5 of the patent application, show a method in which each element of claim 7 is implemented. Specifically, Exhibits A, B and C show sending a signal from a source to a destination according to an address associated with a to be generated phonation (92 in FIG. 5), and, if the destination is a speech recognition server, sending a change signal from the destination to the source (94 in FIG. 5),

generating a phonation for reception by a speech recognition server (96 in FIG. 5), and sending the newly processed phonation (38 in FIG. 2), otherwise generating a phonation at the source for reception by a human recipient (40 in FIG. 2).

5. Exhibit D, which is similar to FIG. 1 of the patent application, shows each element of claim 15. Specifically, Exhibit D shows means for processing a phonation at a source for reception by a human recipient (12 in FIG. 1), means for sending the processed phonation to a destination according to an address associated with the phonation (12 in FIG. 1), and, if the destination is a speech recognition server, means for sending a change signal from the destination to the source (26 in FIG. 1), means for processing a next phonation for reception by a speech recognition server (12 in FIG. 1), and means for sending the newly processed phonation (12 in FIG. 1).

6. Per MPEP § 715.09, we are seasonably submitting this Declaration with a first reply after final rejection for the purpose of overcoming a new ground of rejection, inasmuch as the Examiner, in the final Office action, rejected amended claims.

7. I further declare that all statements made herein, to my own knowledge, are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature — 5/16/06
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